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MONTANA LEGISLATIVE HISTORY

Chapter ~~[illegible]~~ 471 ~~19~~ 2001

Bill H _____ S ~~[illegible]~~ 274 Original bill & history ✓ C

H. Committee on Bus + Labs			S. Committee on Bus + Labs.		
Hearing Date(s)	3/12	✓ C	Hearing Date(s)	2/6	✓ C
	3/13	✓ C	EXEC ACTION	2/8	X C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ___ Yes ✓ No

Committee _____ Report _____

Senate BILL NO. 274

INTRODUCED BY Keenan
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN INSURANCE INSTITUTION, INSURANCE PRODUCER, OR INSURANCE-SUPPORT ORGANIZATION TO DISCLOSE SPECIFIC UNDERWRITING INFORMATION TO CERTAIN ENTITIES THAT HAVE OBTAINED OR THAT ADMINISTER GROUP HEALTH PLANS PROVIDED BY THEM; AND PROVIDING THAT THE INFORMATION DISCLOSED MAY NOT INCLUDE ANY PERSONAL INFORMATION PERTAINING TO AN INDIVIDUAL COVERED BY AN ENTITY'S GROUP PLAN."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Disclosure of underwriting information.** (1) An insurance institution, insurance producer, or insurance-support organization shall, within 30 days of receiving a written request from an entity listed in subsection (2) that it provides coverage for, disclose to that entity any of the following information that the entity specifically requests:

(a) total premiums collected from the entity for the policy year;

(b) total losses paid out with respect to the entity for the policy year;

(c) the amount of reserves set with respect to the entity for the policy year;

(d) the administrative costs incurred with respect to the entity for the policy year;

(e) breakdowns of use by procedure with respect to the entity for the policy year;

(f) the amount paid to doctors and other health care providers with respect to the entity's members for the policy year; and

(g) the amount paid to hospitals with respect to the entity's members for the policy year.

(2) The following entities may request information pursuant to this section:

(a) an association having a group health insurance program for its members;

(b) a group purchasing cooperative;

(c) a group health plan that is a multiple employer welfare arrangement;

(d) a self-insured group; and

(e) a business that provides group health insurance for its employees.

(3) Information disclosed pursuant to this section may not include any personal inforr pertaining to an individual covered by a group plan that has been obtained or administered by an listed in subsection (2).

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified integral part of Title 33, chapter 19, part 3, and the provisions of Title 33, chapter 19, part 3, app [section 1].

- END -

Bill Draft Number: LC1212
Bill Type - Number: SB 274
Short Title: Revise law on disclosure of underwriting information
Primary Sponsor: Bob Keenan

Bill Actions - Current Bill Progress: Became Law

Bill Action Count: 67

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
(C) Sent to Printing	05/04/2001			
Chapter Number Assigned	04/30/2001			
(S) Signed by Governor	04/30/2001			
(S) Transmitted to Governor	04/26/2001			
(H) Signed by Speaker	04/26/2001			
(S) Signed by President	04/26/2001			
(S) Returned from Enrolling	04/25/2001			
(C) Sent to Printing	04/24/2001			
(S) Sent to Enrolling	04/23/2001			
(H) 3rd Reading Governor's Proposed Amendments Concurred	04/20/2001	100	0	
(H) Scheduled for 3rd Reading	04/20/2001			
(S) Transmitted to House for Consideration of Governor's Proposed Amendments	04/19/2001			
(S) 3rd Reading Governor's Proposed Amendments Concurred	04/19/2001	49	0	
(H) 2nd Reading Governor's Proposed Amendments Concurred	04/19/2001	97	1	
(H) Scheduled for 2nd Reading	04/19/2001			
(S) Scheduled for 3rd Reading	04/19/2001			
(S) 2nd Reading Governor's Proposed Amendments Concurred on Voice Vote	04/18/2001	49	0	
(S) Scheduled for 2nd Reading	04/18/2001			
(S) Returned with Governor's Proposed Amendments	04/17/2001			
(S) Transmitted to Governor	04/11/2001			
(H) Signed by Speaker	04/09/2001			
(S) Signed by President	04/06/2001			
(S) Returned from Enrolling	04/03/2001			
(C) Sent to Printing	04/02/2001			
(S) Sent to Enrolling	04/02/2001			
(S) 3rd Reading Passed as Amended by House	04/02/2001	47	0	

(S) 2nd Reading House Amendments Concurred on Voice Vote	03/31/2001	48	0	
(S) Scheduled for 2nd Reading	03/31/2001			
(H) Returned to Senate with Amendments	03/28/2001			
(H) 3rd Reading Concurred	03/28/2001	100	0	
(H) Scheduled for 3rd Reading	03/28/2001			
(H) 2nd Reading Concurred	03/27/2001	99	0	
(H) Scheduled for 2nd Reading	03/27/2001			
(H) Scheduled for 2nd Reading	03/21/2001			
(C) Sent to Printing	03/14/2001			
(H) Committee Report--Bill Concurred as Amended	03/14/2001			(H) Business and Labor
(H) Committee Executive Action--Bill Concurred as Amended	03/13/2001	19	0	(H) Business and Labor
(H) Hearing	03/12/2001			(H) Business and Labor
(H) Referred to Committee	03/01/2001			(H) Business and Labor
(H) First Reading	03/01/2001			
(S) Transmitted to House	02/13/2001			
(S) 3rd Reading Passed	02/13/2001	50	0	
(S) Scheduled for 3rd Reading	02/13/2001			
(C) Sent to Printing	02/12/2001			
(S) 2nd Reading Passed as Amended on Voice Vote	02/12/2001	50	0	
(S) 2nd Reading Motion to Amend Carried on Voice Vote	02/12/2001	50	0	
(S) Scheduled for 2nd Reading	02/12/2001			
(S) Scheduled for 2nd Reading	02/10/2001			
(C) Sent to Printing	02/08/2001			
(S) Committee Report--Bill Passed as Amended	02/08/2001			(S) Business and Labor
(S) Committee Executive Action--Bill Passed as Amended	02/08/2001	9	0	(S) Business and Labor
(S) Hearing	02/02/2001			(S) Business and Labor
(C) Introduced Bill Text Available Electronically	01/18/2001			
(S) Referred to Committee	01/18/2001			(S) Business and Labor
(S) First Reading	01/18/2001			
(S) Introduced	01/18/2001			
(C) Draft Delivered to Requester	01/15/2001			
(C) Draft Ready for Delivery	01/09/2001			
(C) Draft in Assembly/Executive Director Review	01/08/2001			

(C) Draft in Final Drafter Review	01/08/2001
(C) Bill Draft Text Available Electronically	01/08/2001
(C) Draft in Input/Proofing	01/08/2001
(C) Draft to Drafter - Edit Review [CAJ]	01/08/2001
(C) Draft in Edit	01/08/2001
(C) Draft in Legal Review	01/08/2001
(C) Draft to Requester for Review	12/19/2000
(C) Draft Request Received	12/08/2000

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Keenan	Bob	
Drafter	Campbell	Bart	
Primary Sponsor	Keenan	Bob	

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Insurance		Simple	INS
Privacy		Simple	PRIV

Additional Bill Information

Probable Fiscal Note: No
Preintroduction Required: N
Session Law Ch. Number: 471
DEADLINE
Category: General Bills
Transmittal Date: 02/23/2001
Return (with 2nd house amendments) Date: 03/31/2001

Section Effective Dates

Section(s)	Effective Date	Date Qualified

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN MIKE TAYLOR**, on February 2, 2001 at 8:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:
Sen. Mike Taylor, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Dale Mahlum (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)

Members Excused: Sen. Dale Berry (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: SB 299, 1/30/2001; SB 274, 1/30/2001; HB 194, 1/30/2001
Executive Action: HB 194

Tom Hattersly said they would not, according to this bill.

CHAIRMAN MIKE TAYLOR asked how to handle a situation where a subcontractor through no fault of their own was held partly liable for someone else mistakes.

Greg Oswood said this would be determined by whatever agreement was struck between the two parties.

SENATOR DON RYAN asked how to give the small contractors protection.

Tom Hattersly, said you have to separate performance issues, from the torte issues. He recommended that each company go to their insurance agent and show them the contract and then get insurance coverage for what they have entered into.

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 12}

SENATOR WILLIAM GLASER, SD 08, HUNTLEY, said this is real simple. He said that logic needs to be applied. It is simple, "If you didn't do it, it isn't your fault."

HEARING ON SB 274

Sponsor: **SENATOR BOB KEENAN, SD 38, BIGFORK**

Proponents: **Susan Good, Allied Citizens for Healthcare Equity**
Max Agather, Montana Retail Association
Brad Griffin, Montana Retail Association
Claudia Clifford, State Auditors Office

Opponents: **Tanya Ask, Blue Cross/Blue Shield**
Roger McGlenn, Independent Insurance Agents
Page Dringman, Health Insurance Association
Keith Colbo, New West Health Care

Opening Statement by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 15.7}

SENATOR BOB KEENAN, SD 38, BIGFORK, said this bill is about opening up information on insurance.

Proponents' Testimony:

Susan Good, Allied Citizens for Healthcare Equity, stated that people are now sometimes paying as much for their health insurance as they are paying for their rent. She said people should be able to get basic information from insurance companies such as what the insurance cost, and what they get for the money they pay. She said she also wanted to know about administrative costs.

Max Agather, Montana Retail Association, stated that the cost of health insurance is threatening the survival of many small businesses in this state. He said he thinks the rates are going to double in seven years, or more likely in five years.

Brad Griffin, Montana Retail Association, said that all this bill asks is that people can get a report on the losses of the company and the reserves of the company. He pointed out that Workers' Comp sends this information monthly, and he doesn't see why they are denied this information from the health insurance carrier. He stated this lack of information prevents them from being able to shop their group around for more competitive rates.

Claudia Clifford, State Auditors Office, said they support this bill as an attempt to help consumers and small businesses obtain more information about their coverage, especially when they want to shop around.

Opponents' Testimony:

Tanya Ask, Blue Cross/Blue Shield, opposed the bill because some of this information is not captured by entity. She said it is important from their perspective to not release individual, identifiable information.

Roger McGlenn, Independent Insurance Agents, said his concern with this bill is that insurance producers don't have access to some of this information, only the insurance carrier has access. He said they could assist clients in writing for this information, but they could not provide it themselves.

Page Dringman, Health Insurance Association, said her concern is that in some cases this would be administratively almost impossible to do, and she was also concerned about privacy information.

Keith Colbo, New West Health Care, opposes some of the provisions of the bill, while recognizing the merits of what the sponsor is suggesting. He said it would be very difficult for his company to comply with this bill.

Questions from Committee Members and Responses:

SENATOR VICKI COCCHIARELLA asked **Tanya Ask** what information they need when they take on a new group in order to determine how much they will pay.

Tanya Ask said they need to know what covererage they are looking at, and basic demographic information, as well as basic medical information.

SENATOR COCCHIARELLA asked if they ever ask to see the track record.

Tanya Ask replied that it depends on the size of the group, where they are coming from and what they are doing.

SENATOR COCCHIARELLA asked if this bill was designed to give groups the opportunity to go out and shop around for insurance coverage.

Max Agather said yes.

SENATOR COCCHIARELLA asked if this bill would help in getting information to determine if people wanted to be self insured.

Susan Good said yes.

CHAIRMAN MIKE TAYLOR asked why premiums were so high in Montana

Claudia Clifford said it was because we have less managed care.

Tanya Ask said we have a higher portion of uninsured in this state so there is a cost shift to the private paying market.

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 27.5}

SENATOR BOB KEENAN, SD 38, BIGFORK, said he just wants to get a little competition into the marketplace.

HEARING ON HB 194

Sponsor: REPRESENTATIVE SILVA BOOKOUT-REINICKE, HD 71, ALBERTON

Proponents: **Kristi Blazer, MT Beer & Wine Wholesalers Assoc**
Riley Johnson, Federation of Independent Business

Opponents: None

Opening Statement by Sponsor:

{Tape : 3; Side : A; Approx. Time Counter : 2.2}

REPRESENTATIVE SILVA BOOKOUT-REINICKE, HD 71, ALBERTON, stated this bill basically matches Montana up to federal law. She stated that it says that outside sales people are not eligible for over-time pay. **EXHIBIT(bus27a04)**

Proponents' Testimony:

Kristi Blazer, MT Beer & Wine Wholesalers Association, said her organization supports this bill because it brings Montana law into conformity with federal law.

Riley Johnson, Federation of Independent Business, said they support this legislation as it gives uniformity throughout the country.

Opponents' Testimony: None

Questions from Committee Members and Responses:

Senator Ed Butcher asked if this would mean outside sales people could not come back later to claim over time.

DATE 2-2-2001

SENATE COMMITTEE ON Business & Labor

BILLS BEING HEARD TODAY: SB 299, SB 274, HB 794

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Tanya Ask	444-8297	Blue Cross Blue Shield MT	SB 274		✓
Greg Oswood	761-4470	Montana Contractors	SB 299		✓
John Fitzpatrick	442-9194	Touch America	SB 299		✓
Tom Hopkins	442-8560	MT Con-l. Assoc.			✓
Jim Wolfe	2-4710	Polar Electric	SB 299	✓	
Lynn Perkins		Fire Suppression	SB 299	✓	
Carl Schweitz	457-1374	ASATM	SB 299	✓	
Trevin Pappas	443-4353	Helena Insulation	SB 299	✓	
Brian Patton	449-4567	Intermountain Htg + AC	SB 299	✓	
Dennis Iverson	442-1906	NECA	SB 299	✓	
Bill Benthay	2-8330	NECA	SB 299	✓	
Nick Rotering	444 6094	DOT	SB 299		IND
Claudia Clifford	444 4613	SAO	SB 274	✓	

VISITOR REGISTER

next page

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2-2-2001

SENATE COMMITTEE ON Business & Labor

BILLS BEING HEARD TODAY: SB299, SB274, HB 194

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Kristi Blazer		MBWUA	194	X	
M Susan Good		ACHE	274	X	
Max Agather		MT. Retail Assoc.	274	X	
Roger McGlenn	442-9555	IIAM	274		X
Roger McGlenn	442-9555	IIAM	299		—
Riley Johnson	443-3797	NFIB	194	X	
Keith Colbo	443-4942	New West	274		X
Sami Butler	442-6710	MNA	274	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN MIKE TAYLOR**, on February 8, 2001 at 8:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Mike Taylor, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Dale Mahlum (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)

Members Excused: Sen. Dale Berry (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 118, 2/5/2001
Executive Action: SB 274

CHAIRMAN MIKE TAYLOR asked if the corporate subsidy would go down if the minimum wage went down.

Don Judge said it is calculated that $9.50 an hour would be the minimum wage to come off the poverty levels. He said he would bring information and give it to the committee. **EXHIBIT(bus32a06)**

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 26.1}

SENATOR DAN HARRINGTON, SD 19, BUTTE, said that there are a greater number of people making minimum wage or just above it or just below, this is a total of 59,000 workers. He pointed out that a minimum wage is bottom line economic justice.

EXECUTIVE ACTION ON SB 274

Motion/Vote: **SEN. MAHLUM** moved that **AMENDMENTS TO SB 274 BE ADOPTED. Motion carried unanimously. EXHIBIT(bus32a07)**

Motion/Vote: **SEN. COCCHIARELLA** moved that **SB 274 DO PASS AS AMENDED. Motion carried unanimously.**

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 7
DATE 2-8-2001
BILL NO. SB274

Amendments to Senate Bill No. 274
1st Reading Copy

Requested by Senator Bob Keenan

For the Senate Business and Labor Committee

Prepared by Bartley Campbell
February 7, 2001 (4:05PM)

1. Title, lines 4 and 5.
Strike: ", INSURANCE PRODUCER,"

2. Page 1, line 13.
Strike: ","

3. Page 1, line 14.
Strike: "insurance producer,"

4. Page 1, line 15.
Strike: "any of"

5. Page 1, line 16.
Following: "requests"
Insert: "about the entity's coverage"

6. Page 1, line 17.
Following: ";"
Insert: "and"

7. Page 1, line 18.
Strike: ";"
Insert: "."

8. Page 1, lines 19 through 24.
Strike: subsections (c) through (g) in their entirety

9. Page 1, line 25.
Strike: "The"
Insert: "Any of the"

Following: "information"
Insert: "about the entity's coverage"

10. Page 1, line 30.
Following: "business"
Insert: "with between 2 and 50 employees"
Following: "provides"
Insert: "small"

11. Page 2, following line 3.
Insert: "(4) An association provided for in subsection (2)(a) must be provided enough information by its insurance institution or insurance-support organization to enable the association to receive a bid or quote for coverage from other insurance entities.

(5) An insurance institution or insurance-support organization that provides coverage for a business provided for in subsection (2)(e) may provide information to that business based on the entire block of small group health insurance provided by the insurance institution or insurance-support organization."

- END -

MONTANA SENATE
2001 LEGISLATURE
BUSINESS AND LABOR COMMITTEE
ROLL CALL

DATE 2-8-2001

NAME	PRESENT	ABSENT	EXCUSED
SENATOR DALE BERRY			✓
SENATOR ED BUTCHER	✓		
SENATOR VICKI COCCHIARELLA	✓		
SENATOR SAM KITZENBERG	✓		
SENATOR DALE MAHLUM	✓		
SENATOR GLENN ROUSH	✓		
SENATOR DON RYAN	✓		
SENATOR MIKE SPRAGUE, VICE CHAIR	✓		
SENATOR MIKE TAYLOR, CHAIR	✓		

MONTANA SENATE
2001 LEGISLATURE
BUSINESS AND LABOR COMMITTEE
ROLL CALL VOTE

DATE 2-8-2001 BILL NO. SB274 NUMBER 1

MOTION: Sen Mahlum moves amendments to SB274

NAME	AYE	NO
SENATOR DALE BERRY		
SENATOR ED BUTCHER		
SENATOR VICKI COCCHIARELLA		
SENATOR SAM KITZENBERG		
SENATOR DALE MAHLUM		
SENATOR GLENN ROUSH		
SENATOR DON RYAN		
SENATOR MIKE SPRAGUE, VICE CHAIR		
SENATOR MIKE TAYLOR, CHAIR		

MONTANA SENATE
2001 LEGISLATURE
BUSINESS AND LABOR COMMITTEE
ROLL CALL VOTE

DATE 2-8-2001 BILL NO. SB274 NUMBER 2

MOTION: Sen Kitzenberg moves DO PASS with amendments

NAME	AYE	NO
SENATOR DALE BERRY		
SENATOR ED BUTCHER		
SENATOR VICKI COCCHIARELLA		
SENATOR SAM KITZENBERG		
SENATOR DALE MAHLUM		
SENATOR GLENN ROUSH		
SENATOR DON RYAN		
SENATOR MIKE SPRAGUE, VICE CHAIR		
SENATOR MIKE TAYLOR, CHAIR		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JOE MCKENNEY**, on March 12, 2001 at 9:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Joe McKenney, Chairman (R)
Rep. Gary Matthews, Vice Chairman (D)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Roy Brown (R)
Rep. Nancy Fritz (D)
Rep. Dave Gallik (D)
Rep. Dennis Himmelberger (R)
Rep. Carol C. Juneau (D)
Rep. Jim Keane (D)
Rep. Rick Laible (R)
Rep. Bob Lawson (R)
Rep. John Musgrove (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Donald Steinbeisser (R)
Rep. James Whitaker (R)

Members Excused: Rep. Rod Bitney, Vice Chairman (R)
Rep. Kathleen Galvin-Halcro (D)
Rep. Brett Tramelli (D)

Members Absent: None.

Staff Present: Gordon Higgins, Legislative Branch
Jane Nofsinger, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB274, SB145, SB432, 3/9/2001
Executive Action: SB74, SB421, SB432

HEARING ON SB274

Sponsor: **SEN. BOB KEENAN, SD38, Bigfork**

Proponents: **Max Agather, Montana Retail Council**
Brad Griffin, Montana Retail Assn.
Susan Good, ACHE
Claudia Clifford, State Auditor's Office
Tanya Ask, BCBS
Tom Clinch, New West Health Services
Don Allen, Montana Benefits and Life
Don Judge, MT AFL-CIO

Opponents: None

Opening Statement by Sponsor:

SEN. BOB KEENAN, SD38, Bigfork, said the bill came to the committee today as a result of a conversation he had with an insurance agent who was having difficulty obtaining loss runs for his group from his existing carrier and the carrier, Western Mutual in Utah, did not want to provide that loss run. The agent was frustrated with that. **SEN. KEENAN** noted he had spent a lot of time on human services committees in the past years studying the high cost of medical care. He said he thought this bill tied in with the concerns of the uninsured. He speculated that in 2-4 years uninsured individuals would be one the greatest concerns facing the legislature. He said this bill does a little in trying to bring competitive prices to insurance by forcing the carriers to provide loss runs so when a company wants to go for bids, there will be a competitive market. He said the bill has a few amendments. **EXHIBIT(buh56a01)**

Proponents' Testimony:

Mr. Agather said the number one problem with insurance is cost. He said small businesses and individuals suffer most because they have no bargaining position. He said when groups are combined, there can be competitive bidding, which this bill will help with.

Mr. Griffin said there is power in numbers, and his members created a health pool of 4000 45 years ago. He said it makes sense to get a loss run on a group so it can be taken to the marketplace for a bid.

Ms. Good said she spoke for a patient advocacy group and was interested in increasing competition within the marketplace. She added that patient information should be available.

Ms. Clifford said this was a good bill to facilitate competition in the marketplace. She said there was nothing now in statute that said patient information could be obtained.

Ms. Ask said she had a couple of amendments for the committee to look at. **EXHIBIT(buh56a02)** The first amendment clarified that employers or associations can request the information once a year. The second amendment removes the small group marketplace, between 2-50 employees, from the requirements because they are already being overseen, she said.

Don Judge, **Don Allen**, and **Tom Clinch** also spoke to support the bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. PRICE asked **Mr. Agather** if he approved of the amendment. He answered he did. **REP. PRICE** asked him why small groups and individuals should be excluded. **Mr. Agather** said that the information could be mis-used to fire or terminate employees to get lower rates. Also, he added, small group rating is overseen by the Insurance Commissioner's office.

REP. JUNEAU asked why "insurance product" was crossed out of the title. **Ms. Clifford** said it was taken out because the information needs to come from a company, not an agent. **REP. JUNEAU** asked who initiated the request. **Ms. Clifford** said the group or the agent could, but they did not have access.

Closing by Sponsor:

SEN. KEENAN said he was stunned and pleased with the testimony after the close he had been through on the Senate side, and he thanked the proponents for working out the amendments which would help the consumers of Montana.

{Tape : 1; Side : A; Approx. Time Counter : 20.3}

EXHIBIT 1
DATE 3-12-01
SB 274

Senate Bill 274
Amendments
Presented by Tanya Ask
House Business and Labor Committee
March 12, 2001

Concept of the amendments:

1) **Clarify frequency of the requests as being one time per year**
2) **Remove small groups falling within the Small Employer Health Insurance Availability Act (groups with between two and fifty eligible employees) from the scope of this bill.**

Amendments:

1. **Page 1, Line 7**
   Following: "PLANS PROVIDED BY THEM;"
   Delete: "AND"

2. **Page 1, Line 9**
   Following: "GROUP PLAN"
   Insert: "; AND PROVIDING THAT THE INFORMATION MAY BE REQUESTED ONE TIME PER YEAR"

3. **Page 2, Line 1**
   Following: "(e) a business"
   Insert: "that provides group health insurance for its employees, except a business with between 2 and 50 eligible employees is not subject to this act."
   Delete: "WITH BETWEEN 2 AND 50 EMPLOYEES that provides SMALL group health insurance for its employees."

4. **Page 2, Line 6**
   Insert: "(4) Information requested pursuant to this section may not be requested more frequently than once per year."

SENATE BILL NO. 274

INTRODUCED BY B. KEENAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN INSURANCE INSTITUTION~~, INSURANCE PRODUCER,~~ OR INSURANCE-SUPPORT ORGANIZATION TO DISCLOSE SPECIFIC UNDERWRITING INFORMATION TO CERTAIN ENTITIES THAT HAVE OBTAINED OR THAT ADMINISTER GROUP HEALTH PLANS PROVIDED BY THEM; ~~AND~~ PROVIDING THAT THE INFORMATION DISCLOSED MAY NOT INCLUDE ANY PERSONAL INFORMATION PERTAINING TO AN INDIVIDUAL COVERED BY AN ENTITY'S GROUP PLAN." AND PROVIDING THAT THE INFORMATION MAY BE REQUESTED ONE TIME PER YEAR."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Disclosure of underwriting information.** (1) An insurance institution~~, insurance producer,~~ or insurance-support organization shall, within 30 days of receiving a written request from an entity listed in subsection (2) that it provides coverage for, disclose to that entity ~~any of~~ the following information that the entity specifically requests ABOUT THE ENTITY'S COVERAGE:

(a) total premiums collected from the entity for the policy year; AND

(b) total losses paid out with respect to the entity for the policy year~~;~~.

~~(c) the amount of reserves set with respect to the entity for the policy year;~~

~~(d) the administrative costs incurred with respect to the entity for the policy year;~~

~~(e) breakdowns of use by procedure with respect to the entity for the policy year;~~

~~(f) the amount paid to doctors and other health care providers with respect to the entity's members for the policy year; and~~

~~(g) the amount paid to hospitals with respect to the entity's members for the policy year.~~

(2) ~~The~~ ANY OF THE following entities may request information ABOUT THE ENTITY'S COVERAGE pursuant to this section:

(a) an association having a group health insurance program for its members;

(b) a group purchasing cooperative;

(c) a group health plan that is a multiple employer welfare arrangement;

(d) a self-insured group; and

that provides group health insurance for its employees, except a business with between 2 and 50 eligible employees not subject to this act.

(e) a business ~~WITH BETWEEN 2 AND 50 EMPLOYEES~~ that provides ~~SMALL~~ group health insurance for its employees.

(3) Information disclosed pursuant to this section may not include any personal information pertaining to an individual covered by a group plan that has been obtained or administered by an entity listed in subsection (2).

(4) Information requested pursuant to this section may not be requested more frequently than once a year.

~~(4) AN ASSOCIATION PROVIDED FOR IN SUBSECTION (2)(A) MUST BE PROVIDED ENOUGH INFORMATION BY ITS INSURANCE INSTITUTION OR INSURANCE SUPPORT ORGANIZATION TO ENABLE THE ASSOCIATION TO RECEIVE A BID OR QUOTE FOR COVERAGE FROM OTHER INSURANCE ENTITIES.~~

~~(5) AN INSURANCE INSTITUTION OR INSURANCE SUPPORT ORGANIZATION THAT PROVIDES COVERAGE FOR A BUSINESS PROVIDED FOR IN SUBSECTION (2)(E) MAY PROVIDE INFORMATION TO THAT BUSINESS BASED ON THE ENTIRE BLOCK OF SMALL GROUP HEALTH INSURANCE PROVIDED BY THE INSURANCE INSTITUTION OR INSURANCE SUPPORT ORGANIZATION.~~

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 33, chapter 19, part 3, and the provisions of Title 33, chapter 19, part 3, apply to [section 1].

- END -

The following exhibit is more than the 10 (ten) page limit for scanning.

Exhibit: 2
Date: 3-12-01
SB- 274

The complete exhibit is located with the minutes at the

Montana Historical Society Archives
225 North Roberts
Helena, MT 59620-1202
(406) 444-4775

HOUSE OF REPRESENTATIVES
ROLL CALL

HOUSE BUSINESS AND LABOR COMMITTEE

DATE MARCH 12, 2001

NAME	PRESENT	ABSENT	EXCUSED
Rep. Joe McKenney	✓		
Rep. Gary Matthews	✓		
Rep. Roy Brown	✓		
Rep. Kathleen Galvin-Halcro			✓
Rep. Carol Juneau	✓		
Rep. Rick Laible	✓		
Rep. John Musgrove	✓		
Rep. Nancy Rice-Fritz	✓		
Rep. Don Steinbeisser	✓		
Rep. Jim Whitaker	✓		
Rep. Rod Bitney			✓
Rep. Sylvia Bookout-Reinicke	✓		
Rep. Dave Gallik	✓		
Rep. Dennis Himmelberger	✓		
Rep. Jim Keane	✓		
Rep. Bob Lawson	✓		
Rep. Bill Price	✓		
Rep. Brett Tramelli			✓
Rep. Allen Rome	✓		

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business and Labor Committee

DATE MARCH 12, 2001

BILL NO. SB 274 SPONSOR(S) SEN. KEENAN

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE CIRCLE	NAME	ADDRESS	REPRESENTING
(P) O I	Claudia Clifford	Helena	State Auditor
(P) O I	Tanya Ask with general	Helena	BCBSMT
(P) O I	Tom Clark	"	New West
(P) O I	Max A. Agather MAX AGATHER	KALISPELL	MEA
(P) O I	Don Allen	Helena	MBLA
(P) O I	Brad Griffin	Helena	MT Retail Assoc
(P) O I	Dan Judge	Helena	MT AFL-CIO
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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony

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MINUTES

MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JOE MCKENNEY**, on March 13, 2001 at 8:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Joe McKenney, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Gary Matthews, Vice Chairman (D)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Roy Brown (R)
Rep. Nancy Fritz (D)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Dennis Himmelberger (R)
Rep. Jim Keane (D)
Rep. Rick Laible (R)
Rep. Bob Lawson (R)
Rep. John Musgrove (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Donald Steinbeisser (R)
Rep. Brett Tramelli (D)
Rep. James Whitaker (R)

Members Excused: Rep. Carol C. Juneau (D)

Members Absent: None.

Staff Present: Gordon Higgins, Legislative Branch
Jane Nofsinger, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB253, SB151, SB305, 3/12/2001
Executive Action: SB274, SB357, SB392, SB221, SB141, SB305, SB253

{Tape : 3; Side : A; Approx. Time Counter : 0}

Vote: Motion **failed 6-13 with Fritz, Gallik, Galvin-Halcro, Juneau, Keane, and Musgrove voting aye.**

Motion/Vote: **REP. BOOKOUT-REINICKE** moved that **SB392 BE TABLED. Motion carried 13-6 with Fritz, Gallik, Galvin-Halcro, Juneau, Keane, and Musgrove voting no.**

EXECUTIVE ACTION ON SB274

Motion: **REP. BOOKOUT-REINICKE** moved that **SB274 BE CONCURRED IN.**

Discussion:

Motion: **REP. LAWSON** moved that **SB274 BE AMENDED.**

Discussion:

Mr. Higgins said the amendment clarifies the frequency of requirements for information to once each calendar year. He said it also removes the 2-50 employee small groups from the requirement for information gathering.

Vote: Motion **failed unanimously.**

Motion/Vote: **REP. LAWSON** moved that **SB274 BE CONCURRED IN AS AMENDED. Motion carried unanimously.**

EXECUTIVE ACTION ON SB253

Motion: **REP. LAWSON** moved that **SB253 BE CONCURRED IN.**

Discussion:

REP. BOOKOUT-REINICKE said she would like to take out "at consumer's request."

REP. GALVIN-HALCRO said the proponents said there was a provision for that and "we would keep an eye on it."

HOUSE OF REPRESENTATIVES
ROLL CALL

HOUSE BUSINESS AND LABOR COMMITTEE

DATE March 13, 2001

NAME	PRESENT	ABSENT	EXCUSED
Rep. Joe McKenney	✓		
Rep. Gary Matthews	✓		
Rep. Roy Brown	✓		
Rep. Kathleen Galvin-Halcro	✓		
Rep. Carol Juneau			✓
Rep. Rick Laible	✓		
Rep. John Musgrove	✓		✓
Rep. Nancy Rice-Fritz	✓		
Rep. Don Steinbeisser	✓		
Rep. Jim Whitaker	✓		
Rep. Rod Bitney	✓		
Rep. Sylvia Bookout-Reinicke	✓		
Rep. Dave Gallik	✓		✓
Rep. Dennis Himmelberger	✓		
Rep. Jim Keane	✓		
Rep. Bob Lawson	✓		
Rep. Bill Price	✓		
Rep. Brett Tramelli	✓		
Rep. Allen Rome	✓		

HOUSE STANDING COMMITTEE REPORT

March 13, 2001

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 274** (third reading copy - blue) **be concurred in as amended**.

Signed: _____
Representative Joe McKenney, Chair

To be carried by Representative Paul Sliter

And, that such amendments read:

1. Title, line 7.
Strike: "AND"

2. Title, line 9.
Following: "PLAN"
Insert: "; AND PROVIDING THAT THE INFORMATION MAY BE REQUESTED ONCE PER YEAR"

3. Page 2, lines 1 and 2.
Strike: "WITH" on line 1 through "employees" on line 2
Insert: "that provides group health insurance for its employees, except that a business with between 2 and 50 employees is not subject to the provisions of this section"

4. Page 2, following line 5.
Insert: "(4) Information that is obtainable pursuant to the provisions of this section may not be requested more than once during any calendar year."

- END -

Committee Vote:
Yes 19, No 0.

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COMMITTEE ABSENTEE BALLOT

Date: 3-13-01

I hereby authorize Rep. Gary Matthews

to cast my vote(s) as follows:

SB# 305 Y
SB# 392 Amend #1 Y
SB# 392 amend #2 Y
SB# 392 Y

SB# 274 Amend Y
SB# 274 Y
SB# 253 Y
SB# 357 Amend#1 Y
SB# 357 Amend#2 Y
SB# 357 Y

SB# 221 Amend#1 Y
SB# 221 Amend#2 Y
SB# 221 [redacted] Y
SB# 141 Amend#1 Y
SB# 141 Amend#2 Y
SB# 141 Y

Representative Carol C Johnson